

BR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)

Plaintiff,)

vs.)

MARK KOZIK AND HEIDI KUNZ)

Defendants.)

Case No. 08 CR 49

Judge Norgle

FILED

Aug 1, 2008

AUG 01 2008

MICHAEL W. DOBBINS

CLERK, U.S. DISTRICT COURT

**EXHIBITS TO
GOVERNMENT'S RESPONSE TO KUNZ'S
MOTION TO QUASH ARREST AND SUPPRESS STATEMENTS**

Exhibits refiled to replace illegible exhibits
in document #33.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	Case No. 08 CR 49
Plaintiff,)	
)	Judge Norgle
vs.)	
)	
MARK KOZIK AND HEIDI KUNZ)	
)	
Defendants.)	

**EXHIBITS TO
GOVERNMENT'S RESPONSE TO KUNZ'S
MOTION TO QUASH ARREST AND SUPPRESS STATEMENTS**

Now comes the UNITED STATES by PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, and respectfully submits the following Exhibits to Government's Response to Kunz's Motion To Quash Arrest and Suppress Statements:

EXHIBIT A	Fox Lake Police Dispatch Print-out
EXHIBIT B	Fox Lake Police Written Miranda Advisory & Waiver, signed by Kunz, dated September 26, 2007 at 8:45 p.m.
EXHIBIT C	Fox Lake Police Written Consent to Search, signed by Kunz, dated September 26, 2007 at 9:00 p.m.
EXHIBIT D	Diagram by Kunz, dated September 26, 2007 at 10:30 p.m.
EXHIBIT E	Written confession by Kunz, dated September 26, 2007 at 11:25 p.m.
EXHIBIT F	Lake County Sheriff Consent to Search, signed by Kunz, dated September 26, 2007 at 2:00 p.m.
EXHIBIT G	McHenry Police Miranda Advisory, signed by Kunz, dated September 27, 2007 at 4:45 p.m.

EXHIBIT H	Video of Kunz's oral confession, made on September 27, 2007, and submitted to this Court on July 9, 2008
EXHIBIT I	McHenry Police Consent to Search, signed by Kunz, September 27, 2007 at 7:56 p.m.
EXHIBIT J	Lake County Sheriff Statement of Constitutional Rights and Waiver, signed by Kunz, October 2, 2007 at 11:00 a.m.
EXHIBIT K	Lake County Sheriff Consent to Search For Bodily Samples, signed by Kunz, October 2, 2007 at 11:06 a.m.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By: S/ Sheri H. Mecklenburg
Sheri H. Mecklenburg
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 469-6030

CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the **EXHIBITS TO GOVERNMENT'S RESPONSE TO KUNZ'S MOTION TO QUASH ARREST AND SUPPRESS STATEMENTS** was served on July 29, 2008, in accordance with Fed. R. Crim. P. 49 and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

s/ Sheri H. Mecklenburg
Sheri H. Mecklenburg
Assistant United States Attorney
219 S. Dearborn Street
Chicago, Illinois 60604
(312) 469-6030

Exhibit A

07/24/2008 14:33 8477349862

FBINRA

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07/24/2008 11:56 8475872776

FOX LAKE POLICE DEPT

PAGE 08/15

Notes for DTL-SPECIAL DETAIL at 301 S R59-PL

Backup officer: OSTERTAG, MICHAEL
 Backup officer: MOYNE, JOHN NORMAN, JEFFREY
 Backup officer: DALY, TERENCE BALDOWSKY, JASON
 Primary officer: MARTIN, JOSEPH
 Date closed: 09/27/07
 Time closed: 08:11:51
 Disposition 1: 9 ADMINISTRATIVE CASE CLOSED
 Disposition 2: 9037 ASSIST - BACKUP
 Timer reset to 60 minutes on unit 6706 at 17:12:16 (TMR)
 1 7410 BARRY AVE (TLR)
 IN KNOX (TLR)
 MGOB WAS NOTED (TLR)
 Timer reset to 60 minutes on unit 6706 at 18:12:33 (JND)
 Unit 6706 current location: 76 7410 BARRY AVE (JND)
 Unit 6703 current location: 76 7410 BARRY AVE (JND)
 Timer reset to 999 minutes on unit 6706 at 19:12:50 (JND)
 WINDSON AVE.... (JND)
 Unit 6706 current location: (JND)
 Unit 6706 current location: P1 (JND)

17:12:16
 17:12:29
 17:12:34
 17:12:44
 18:12:33
 18:12:39
 18:12:48
 19:12:50
 19:23:10
 19:29:26
 19:29:39

'RETURN' FOR MORE LINES. 'X' TO EXIT: _

* A:29 - U700. (MARTIN) A1 which is Fox Lake P1.

Fraser

07/24/2008 14:33 8477349862

FBINRA

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07/24/2008 11:56 8475872776

FOX LAKE POLICE DEPT

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Notes New DTL-SPECIAL DETAIL at 301 S 259-FL

Unit 6702 current location: 2 (JND)	19:28:56
Unit 6701 current location: (JND)	20:07:23
Unit 6702 current location: (JND)	20:07:28
Unit 6703 current location: STATION 4 (JND)	20:28:49
Unit 6706 current location: STATION 4 (JND)	20:28:49
Unit 6722 current location: 76 7410 BARRY AVE (JND)	20:41:22
Unit 6723 current location: 76 7410 BARRY AVE (JND)	20:41:32
Unit 6724 current location: 76 7410 BARRY AVE (JND)	20:41:32
Unit 6703 current location: 76 7410 BARRY AVE (JND)	20:41:32
Unit 6706 current location: 76 7410 BARRY AVE (JND)	20:41:32
Timer reset to 4 minutes on unit 6706 at 20:49:22 (JND)	20:49:22
Unit 6703 current location: 7410 BARRY AVE-MC (JND)	20:49:50
Unit 6706 current location: 7410 BARRY AVE-MC (JND)	20:49:50
Unit 6722 current location: 7410 BARRY AVE-MC (JND)	20:49:50
Unit 6723 current location: 7410 BARRY AVE-MC (JND)	20:49:50
Unit 6724 current location: 7410 BARRY AVE-MC (JND)	20:49:50
Timer reset to 4 minutes on unit 6706 at 20:54:22 (JND)	20:54:22
Timer reset to 20 minutes on unit 6706 at 21:00:14 (JND)	21:00:14
RESET FOR 30 MINS PER 6724 (JND)	21:00:15
Unit 6723 current location: 11-01 W/1 MALE (JND)	21:01:57
'RETURN' FOR MORE LINES, 'E' TO EXIT, 'F' FOR TOP: _	

[illegible]

Notes for DEL-SPECIAL DETAIL at 301 S 2ND-FL

REVO 03162006 I 6-205A2	21:18:24
SUPT 05262005 I 11-501.1	21:19:24
DIGITAL ISSUE	21:19:24
END	21:19:24
QUERY RUN BY PORT 754	21:19:24
----- END of DIC message -----	21:19:24
Timer reset to 60 minutes on unit 6723 at 21:21:22 (JND)	21:21:22
Timer reset to 30 minutes on unit 6706 at 21:21:25 (JND)	21:21:25
REQUEST FOR TOW TRUCK (JND)	21:47:22
FOR TOWING (JND)	21:47:33
FOR TOWING (JND)	21:50:39
STATE PARK TO MAIN LEFT ON WINDSOR FIRST RIGHT AND IMMEDIATE (JND)	21:51:13
LEFT (JND)	21:51:13
TWR (JND)	21:51:23
TOW IS ENROUTE (JND)	21:51:39
Unit 6723 current location: 11-01 RM/25.8 (JND)	21:52:28
*Report Number 2007-10050 Assigned (JND)	21:58:21
Timer reset to 30 minutes on unit 6706 at 21:58:42 (JND)	21:58:42
Unit 6723 current location: RM/30.9 (JND)	22:02:07
Unit 6723 current location: P2 (JND)	22:07:44

'RETURN' FOR MORE LINES, 'K' TO EXIT, 'T' FOR TOP: _

PAGE 12/15

22:21:45
23:21:49
22:21:54
22:21:54
22:20:28
22:30:53
22:23:46
22:39:02
22:39:05
22:39:05
22:39:05
22:39:02
22:39:02
22:39:02
22:39:02
22:39:02
22:39:02
22:39:02
22:39:02

MSG M/0000002435
 MSG 09262007 2240
 DL/IF STA/EXPIRED
 TDL/TIP STA/SEE ILOLNNHLP
 CDL/CIF STA/SEE ILOLNNHLP
 SCHOOLBUS STA/NOT A SCHOOL BUS DRIVER (SEE ILOLNNHLP)
 KUNE HEIDI LOUISE
 7410 BARRY AVE SPRING GROVE 60081
 SEX/F DOB/07151977 HGT/5'02" WGT/135 HAIR/BRO EYE/GRN
 OLM/EBRO-3887-7801 OLD/D* OLD/DRIVE EXP/07152007 ISS/06032002
 'RETURN' FOR MORE LINES, 'E' TO EXIT, 'T' FOR

07/24/2008 14:33 8477349862

FBI/INRA

07/24/2008 11:56 8475672776

FOX LAKE POLICE DEPT

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Notes for DTL-SPECIAL DETAIL at 201 S 225-92

RES-PID CLASS/CORRECTIVE DENIED
NO STOPS IN EFFECT
NO CONV LAST 12 MO
DIGITAL ISSUE

END

QUERY RUN BY PORT 754

----- End of CIC message -----

----- CIC message appended by JMD -----
CIC MESSAGE NUMBER 21749984 08/26/07

MSG M/0000003438

07.269 22.42.34

MSGQFID01 NO RECORD NAME KUNE, WENDI L

QUERY RUN BY PORT 753

----- End of CIC message -----

----- CIC message appended by JMD -----
CIC MESSAGE NUMBER 21749987 08/26/07

MSG M/0000003433

07.269 22.34.41

'RETURN' FOR MORE LINES, 'X' TO EXIT, 'T' FOR TOP: _

22:39:02

22:39:02

22:39:02

22:39:02

22:39:02

22:39:02

22:39:02

22:40:21

22:40:21

22:40:21

22:40:21

22:40:21

22:40:21

22:40:21

22:40:21

22:40:21

22:40:21

22:40:21

22:40:21

22:40:21

Exhibit B

Case 1:08-cr-00049 Document 29-4 Filed 07/14/2008 Page 1 of 1
Report Number: 0118650

Fox Lake Police Department

Miranda Warning

1. You have the right to remain silent. _____
2. Anything you say can, and will, be used against you in a court of law. _____
3. You have the right to talk to, and consult with a lawyer prior to any questioning, and have a lawyer present with you while you are being questioned. _____
4. If you decide to answer questions now, without a lawyer present, you still have the right to stop answering, at any time, until you talk to a lawyer. _____
5. If you are unable to afford a lawyer, the court will appoint one for you. _____

IF YOU ARE A JUVENILE

6. As a juvenile, you may consult with your parents or legal guardian before any questioning begins and you may also have them present during any questioning if you so desire. _____
7. As a juvenile, you must also be aware that anything you say can, and will, be used against you in subsequent criminal proceedings if the case is transferred to adult court, after the appropriate hearing in juvenile court. _____

ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

The above statement of my rights has been read and explained to me and I fully understand what my rights are. I am ready and willing to answer questions or to make a statement without first consulting with a lawyer or without having a lawyer present during questioning.

In waiving my right to remain silent, I wish to state that no promises or threats have been made to me and no persuasion or coercion has been used against me.

Signed: X. [Signature]

Date: 09/26/07

Witness: OFC. Michael Ost #197

Time: 8:45 PM

Witness: [Signature] 209

Location: 7410 Barry Ave

Spring Lake IL 60050

Exhibit C

Fox Lake Police Department

Permission to Search

I, Heidi Kozik, have been informed by

Det Martin and Off Osting

who made proper identification as (an) authorized law enforcement officer(s) of

the Fox Lake Police Dept

of my CONSTITUTIONAL RIGHT not to have a search made of the premises and

property owned by me and/or under my care, custody and control, without a search

warrant. Knowing of my lawful right to refuse to consent to such a search, I willingly

give my permission to the above named officer(s) to conduct a complete search of the

premises and property, including all buildings and vehicles, both inside and outside of the

property located at 7410 Barry Ave Spring Grove IL

The above said officer(s) further have my permission to take from my premises and property, any letters, papers, materials or any other property or things which they desire as evidence for criminal prosecution in the case or cases under investigation.

This written permission to search without a search warrant is given by me to the above officer(s) voluntarily and without any threats or promises of any kind, at 9:00 PM.

On this 20th day of SEPT 2007, at 9:00 PM

Signed

Heidi Kozik

Witness Off. Mello #197

Witness

Det Jos 209

Address FOX LAKE POLICE DEPT.

Address

FOX LAKE PD

Phone 847-587-3100

Phone

587-3100

Report # 07-10050

Exhibit D

TM 209

07-10050

September 26, 2007 10:30 AM.

Diagram made by Heidi Kunz
of Fox Lake National City Bank.

666 E Grand Ave Fox Lake IL
(Location of where she parked her vehicle
during the robbery)

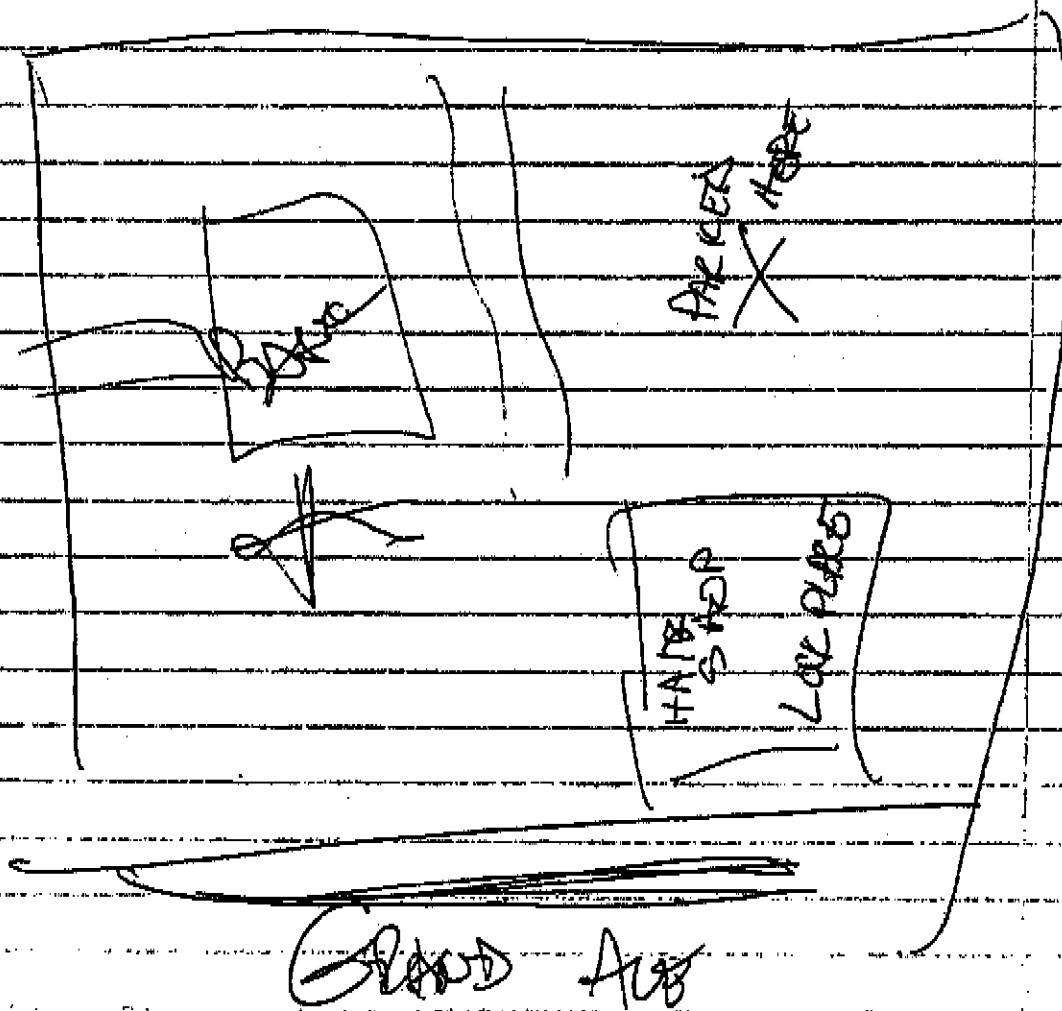
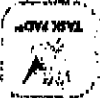


Exhibit E

09/26/07

Heidi kunz-kozik
7410 barry ave
spring grove, il 60081

on September 26, 2007 @ 1125 pm @ fox lake police department

I heidi louise kunz-kozik am writing the statement of my own free will.

On Monday august 6th 2007 he requested that I drive to several banks to check the layouts of them. We drove to two banks on grand ave first American. And the other is the bank next door to las palmas, (where I gave my phone number and first name along with my sister in laws maiden name to the woman I spoke with)..her name was toni and the final bank was national city in fox lake where I spoke with Sandra, and came back a few hours later after she had gotten off work for the day and asked another teller for her (sandra's) business card

On august 7th 2007,

In the morning he kept badgering me to drive him to a bank so that he could rob it and I repeatedly told him no until I got to the point that I couldn't handle it anymore and just gave in.

in the afternoon, I drove my husband mark c kozik and I parked behind the locksmith and hair shop next door to the fox lake branch of the national city bank. Drove my vehicle a silver four door 1995 grand prix, license plate # 667 9743

My husband mark c kozik got out of the vehicle and put on the wig and walked into the bank, he came out several minutes later and entered the rear passenger side and told me to drive.

When we got to his mothers house the grayslake police were sitting in the parking lot of the first Midwest bank and asked if we had any idea about a woman robbing a bank in fox lake.

I heidi louise kunz-kozik drove home to 7410 barry ave. and we got out of the car. He changed clothes and tossed the bag into the second bedroom upon entering the house and we left and drove to his mothers apartment in grayslake il. From there we drove home (7410 barry) and he dumped the bag out that had the money and gun inside it as I packed a couple of suitcases as we were supposed to go on our honeymoon in a few days. We left earlier than planned and came home a couple days later.

He stated that it was about 1200\$, that we took to the dells and paid for the hotel room for a few nights.

As of today September 26, 2007 I have no idea where the wig is that he used.

Heidi Kozik

1

Det. J. W. 209
OFC. Michael [unclear] #197

07/26/07

Officer Martin showed me two pictures and I could only positively id one as being of my husband Mark C. Kozik. As the person who robbed spring grove tcf bank.

Signed Mark C. Kozik

Witness Det. [Signature] 209

Witness arc [Signature] 1197

Exhibit F



OFFICE OF THE SHERIFF

Lake County, Illinois

GARY DEL RE
SHERIFF

25 S. Martin Luther King, Jr. Ave.

Waukegan, Illinois 60085

Phone: (847) 377-4000

Fax: (847) 360-5796

CONSENT TO SEARCH

EMERGENCY
DIAL 911

DIVISIONS

Civil Process
(847) 377-4400Communications
(847) 549-5200Court Security
(847) 377-4911Criminal
Investigations
(847) 377-4250Emergency
Management
Agency
(847) 377-7100Highway Patrol
(847) 377-7020Jail
(847) 377-4112Marine Unit
(847) 587-4471Records
(847) 377-4200Training/
Community
Service
(847) 377-4330Warrants
(847) 377-4300Work Release Unit
(847) 377-4450DATE: 27 day of Sept, 2007I, HEIDI KOZIK, having been informed of myConstitutional Right not to have a Search made of the Residence Residence

hereinafter mentioned without a Search Warrant, and of my right to refuse to consent to

such a search hereby authorize Det. Mark, Det. Anna, Det. Adams, Krensch, Sittig(Names of the Officers) Frank, Murt

of the Lake County Sheriff's Police to conduct a complete search of my premises located

at 7410 Barry Ln Spring Grove IL 60081Residing
-auto described as White 2 Story Residential Home w/ 2 car garageThese Officers are authorized by me to take from my Residence any
letters, papers, materials, or other property that they desire.This written permission is being given by me to the above-named Officers voluntarily and
without threats or promises of any kind.

SIGNED:

Heidi Kozik

WITNESSES:

Det. 209 Fox LakeSigned at 7410 Barry LnSpring Grove IL 60081at 2:00 o'clock P M

"SERVING THE PEOPLE OF LAKE COUNTY WITH PRIDE"

Fox Lake Case # 07-10050

Exhibit G

CITY OF McHENRY POLICE DEPARTMENT
MIRANDA WARNINGS

STATEMENT OF MIRANDA RIGHTS

DATE 9.22, 2007 TIME 4:45 PM ^{For WAIVER} CASE NUMBER 07-10050
INCIDENT Multiple Robbery Inv. INTERVIEW LOCATION FOL LAKE P.D.

- ☒ 1. You have the right to remain silent.
- ☒ 2. Anything you say can and will be used against you in court.
- ☒ 3. You have the right to talk to a lawyer and have him present with you while you are being questioned.
- ☒ 4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning if you wish one.
- ☒ 5. You can decide at any time to exercise these rights and not answer any questions or make any statements.

WAIVER OF MIRANDA RIGHTS

I, Heidi Kunk, have read the above statement of my rights, understand each of those rights, and having these rights in mind, I waive them and willingly make a statement.

SIGNATURE X Heidi Kunk WITNESS: Wally Montz

Parent If minor giving waiver: _____ Relationship: _____

AUDIO/VIDEO RECORDING CONSENT

I hereby grant my permission that this interview be audio and visually recorded by the City of McHenry Police Department.

SIGNATURE X Heidi Kunk WITNESS: Wally Montz

EXHIBIT H

**Video of Kunz's oral confession, made on September 27, 2007, and
submitted to this Court on July 9, 2008**

Exhibit I

CITY OF McHENRY POLICE DEPARTMENT
SEARCH WAIVER

CONSENT TO SEARCH

For LAKE
Case Number 07-10056

I, Heidi Kuzik, hereby grant my consent to officers of the City of McHenry Police Department and other law enforcement officers assisting to search the following: LAKE CO, Spring Grove, Antioch, Crystal Lake.

☐ Vehicle, described as a:

Color: _____ Year: _____ Make: _____ Body Style: _____

Bearing _____ License Number for the state of _____

Vehicle Identification Number _____

Including any part, compartment, or trunk of the vehicle and the contents of any object or container found therein.

☒ Apartment/House located at: 7410 BARNY AVE

Spring Grove IL
Including: Out structures - Specifically to recover latex gloves
Carhart Jacket, hoodie sweatshirt.

☐ Place of business known as _____

located at: _____

Including: _____

I understand that I have the right to refuse to consent to the search described above and refuse to sign this form.

I further state that no promises, threats, force, or physical or mental coercion of any kind whatsoever have been used to cause me to consent to the search described above or sign this form.

Date: 9.27. Time: 7:56 Signature: [Signature]

Witnesses: [Signature] Moller 9/16

Exhibit J



07-7028

MARK C. CURRAN, JR.
SHERIFF
CHARLES E. FAGAN
UNDERSHERIFF
25 S. Martin Luther King Jr. Ave.
Waukegan, Illinois 60085
Phone: (847) 377-4000
Fax: (847) 360-5796

OFFICE OF THE SHERIFF
Lake County, Illinois

STATEMENT OF CONSTITUTIONAL RIGHTS AND WAIVER

Before we ask you any questions, it is my duty to advise you of your rights:

- ☒ 1. You have the right to remain silent
- ☒ 2. Anything you say can be used against you in court of law
- ☒ 3. You have the right to talk to a lawyer for advice before we ask you any questions, and to have him/her with you during questioning.
- ☒ 4. If you decide to answer questions now without a lawyer present, you still have the right to stop answering at any time, until you talk to a lawyer.
- ☒ 5. If you are unable to afford a lawyer, the court will appoint one for you

IF YOU ARE A JUVENILE

- 6. As a juvenile, you may consult with your parents or legal guardian before any questioning begins, and you may also have them present during any questioning if you so desire.
- 7. As a juvenile, you must also be aware that anything you say can and will be used against you in subsequent criminal proceedings if the case is transferred to adult court, after the appropriate hearing in Juvenile Court.

ACKNOWLEDGMENT AND WAIVER OF RIGHTS

The above statement of my rights had been read and explained to me and I fully understand what my rights are. I am ready and willing to answer questions or to make a statement without first consulting with a lawyer or without having a lawyer present during questioning.

In waiving my right to remain silent, I wish to state that no promises or threats have been made to me and no persuasion or coercion has been used against me.

XX Randi Kozik
Witness: Det. [Signature] 289
Witness: [Signature]

Date: 10-02-07
Time: 11:00 AM
Location: _____

"SERVING THE PEOPLE OF LAKE COUNTY WITH PRIDE"

Exhibit K

**OFFICE OF THE SHERIFF**

Lake County, Illinois

25 S. Martin Luther King, Jr. Ave.
Waukegan, Illinois 60085

Phone: (847) 377-4000

Fax: (847) 360-5796

07-7028

CONSENT TO SEARCH
FOR BODILY SAMPLES**EMERGENCY**
DIAL 911**DIVISIONS**Civil Process
(847) 377-4400Communications
(847) 549-5200Court Security
(847) 377-4911Criminal
Investigations
(847) 377-4250Emergency
Management
Agency
(847) 377-7100Highway Patrol
(847) 377-7020Jail
(847) 377-4112Marine Unit
(847) 587-4471Records
(847) 377-4200Training/
Community
Service
(847) 377-4350Warrants
(847) 377-4300Work Release
(847) 377-4450DATE: 02 day of OCT, 2007.I, HEIDI KOZIK (KUNZ), having been informed of my
Constitutional Right not to have a Search made of my person hereinafter mentioned
without a Search Warrant, and of my right to refuse to consent to such a search hereby
authorize Officer Smith

(Names of the Officers)

of the Lake County Sheriff's Police to conduct a complete search of my person located at
Lake Co. Sheriff's OfficeThese Officers are authorized by me to take from my person the following bodily
samples: head hair, pubic hair, saliva blood, and fingernail scrapings.This written permission is being given by me to the above-named Officers voluntarily and
without threats or promises of any kind.SIGNED: Heidi KozikWITNESSES: Det. [Signature] 789Signed at 25 S. MLK JR. AVE.
WAUKEGAN, IL
at 1106 o'clock A M